

Remarks

Claims 18-32 and 37-42 remain pending in the application.

In the January 17, 2006 Office Action, the Examiner has requested a basis for previously presented amendments to claims reciting “at least two layers” formed upon curing.

At Page 12, line 12, the specification teaches a “multi-layer lining” having “at least” a surfacer layer and a barrier layer. In other words, the surfacer layer and the barrier layer are appropriately described as “at least two layers”.

At Page 7, line 20, the barrier layer is described as forming into a “hard material” upon curing. At Page 10, line 2, the application again describes the outer “hard shell” that is formed upon curing.

At Page 7, line 11, the patent teaches surfacer layer is a closed cell foam. At Page 10, lines 6-7, the application describes the “cellular” foam that is formed upon curing. At this point, the application also teaches that air is trapped in the cellular structures, language that is consistent with closed cell foam.

In this same vein, at Page 7, line 9, one embodiment of the surfacer layer is described as a polyurethane. At Page 10, line 1, the application again describes the polyurethane foam utilized in the invention.

Thus, the specification does in fact provide support for the claimed step of curing a liner material to form at least two distinct layers as set forth in Claims 18 and 23.

With respect to the use of the claim language “at least three” separate layers, the application does describe (i) a layer that provides rigidity and structural integrity to the liner; (ii) a cellular layer that traps air within a portion of said cells to provide an insulating effect by said layer; and (iii) a bonding layer that bonds the other layers to the surface of the concrete structure. The language “at least three” appropriately describes the three layers.

There is nothing in the application that teaches or suggests that the cured layer need only be three layers. Unless only three layers is a point of novelty of the invention—which it is not—then

the applicant should not be unnecessarily limited to such claim language. The novelty of the invention is the formation of a liner having both a hard protective barrier layer and an insulative, closed-foam structural core layer that form from an applied foam upon curing. None of the cited prior art provides a method for forming such a liner upon curing. For this reason, Claims 18 and 23 should be allowable.

Respectfully submitted,

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